

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RITA L. GARCIA,

Plaintiff,

v.

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

Defendant.

Case No. 1:22-cv-00632-SKO

**ORDER THAT PLAINTIFF FILE A  
WRITTEN STATEMENT SHOWING  
CAUSE WHY CASE SHOULD NOT BE  
DISMISSED OR THAT PLAINTIFF  
FILE HER MOTION FOR SUMMARY  
JUDGMENT**

(Doc. 5)

On May 25, 2022, Plaintiff, proceeding *in pro per* and *in forma pauperis*, filed the present action in this Court. (Doc. 1.) Plaintiff seeks review of the Commissioner's denial of her application for benefits. (Doc. 1.)

The Court entered a Scheduling Order on May 26, 2022, setting the deadline for Plaintiff to file her motion for summary judgment as "[w]ithin 45 days after service of the administrative record." (Doc. 5 at ¶ 3.) The administrative record was served by certified mail on August 24, 2022. (See Doc. 11-2.) Pursuant to the Scheduling Order and Fed. R. Civ. P. 6(d), Plaintiff's motion for summary judgment was due **October 14, 2022**. To date, Plaintiff has failed to file and serve her motion with the Court and on opposing counsel. (See Docket.) Plaintiff is, therefore, ordered to show cause, if any, why the action should not be dismissed for failure to comply with the Court's Scheduling Order. (Doc. 5.) Alternatively, Plaintiff may file her motion for summary judgment.

1 Accordingly, it is HEREBY ORDERED that:

2 1. By no later than **November 28, 2022**, Plaintiff shall **either**:

3 a. file a written response to this Order to Show Cause; **or**

4 b. file a motion for summary judgment that conforms with the requirements set  
5 forth in the Scheduling Order.

6 **Failure to respond to this Order to Show Cause will result in dismissal of this action.**

7  
8 IT IS SO ORDERED.

9 Dated: **October 25, 2022**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE